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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The occupied Syrian Golan

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 70/91, in which the Secretary-General was requested to report to the Assembly at its seventy-first session on the implementation of the resolution. It contains information from Qatar, the Syrian Arab Republic and the Organization of Islamic Cooperation.

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1. The present report is submitted pursuant to General Assembly resolution 70/91, in which the Assembly called upon Israel, the occupying Power, to comply with the relevant resolutions on the occupied Syrian Golan, in particular Security Council resolution 497 (1981), in which the Council decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and demanded that Israel rescind forthwith its decision. The Assembly reaffirmed the illegality of the decision of 14 December 1981 taken by Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan. In addition, the Assembly called upon Member States not to recognize any of the legislative or administrative measures and actions taken by Israel and requested the Secretary-General to report to the Assembly at its seventy-first session on the implementation of the resolution.

2. On 11 May 2016, the Office of the United Nations High Commissioner for Human Rights (OHCHR), on behalf of the Secretary-General, addressed a note verbale to Israel, in which Israel was asked to provide information on any measures that it had taken or envisaged taking concerning the implementation of the relevant provisions of the aforementioned resolution. As at the time of reporting, no reply had been received.

3. Also on 11 May, OHCHR, on behalf of the Secretary-General, sent a note verbale to the Permanent Mission of the Syrian Arab Republic and all other permanent missions to the United Nations in Geneva, asking Member States to provide information on any steps that they had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution. Responses were received from the Permanent Missions of the Syrian Arab Republic and Qatar. In addition, OHCHR, on behalf of the Secretary-General and pursuant to the request of the General Assembly, brought resolution 70/91 to the attention of the international community, including the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations. A response was received from the Permanent Delegation of the Organization of Islamic Cooperation (OIC) to the United Nations Office at Geneva.

4. In its reply dated 19 May 2016, the Permanent Mission of the Syrian Arab Republic mentioned that, since 1967, the international community had rejected the Israeli occupation of the Syrian Golan, as reflected in several United Nations resolutions, most recently in General Assembly resolution 70/91. The Syrian Arab Republic recalled that, after 49 years of occupation, Israel continued its practices with impunity and with disregard for international law and United Nations resolutions, despite repeated international calls to end the occupation and to halt its daily repressive practices in the occupied Syrian Golan.

5. The Syrian Arab Republic condemned the Israeli Government Cabinet meeting organized by the Prime Minister of Israel, Benjamin Netanyahu, in the occupied Syrian Golan on 17 April 2016. In identical letters dated 17 April 2016 addressed to the Secretary-General and the President of the Security Council, the Syrian Arab Republic had requested the immediate condemnation by the United Nations of the meeting and that such actions be prevented. The Syrian Arab Republic recalled that the Movement of Non-Aligned Countries had issued a statement on 22 April 2016 condemning the meeting, considering remarks made by the Israeli Prime Minister

on the occupied Syrian Golan void of legal effect and calling upon Israel to comply with Council resolution 497 (1981).

6. According to the Syrian Arab Republic, Israel has persisted in its aggression and provocation by providing logistical support to what the Syrian Arab Republic referred to as "terrorists" operating in the separation zone as a consequence of the withdrawal of the United Nations Disengagement Observer Force. The Syrian Arab Republic mentioned that providing support to those individuals was in flagrant violation of international law and the separation of forces agreement. The Syrian Arab Republic reported direct Israeli military intervention and the transfer of weapons and equipment on Syrian territory, in contradiction of the statement by the Secretary-General in his report of 14 March 2016 on the Disengagement Observer Force that Israel should cease to deploy unauthorized weapons and equipment in the area of limitation on the Alpha side, observing that breaches of the ceasefire line by Israel Defense Forces soldiers had the potential to escalate tensions between the two sides (S/2016/242, para. 28).

7. The Syrian Arab Republic condemned the Israeli settlement policy in the occupied Syrian Golan, noting that Israel continued to disregard the resolutions of the Security Council, the General Assembly and the Human Rights Council on the matter, most recently Assembly resolution 70/91. In that resolution, the General Assembly had confirmed the illegality of the settlements and other Israeli activities in the occupied Syrian Golan and reiterated its call upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan.

8. The Syrian Arab Republic condemned Israeli practices and conduct aimed at controlling and exploiting natural resources in the occupied Syrian Golan, in violation of Security Council resolution 497 (1981) and General Assembly resolution 70/225 on the permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources. According to the Syrian Arab Republic, Israel has exploited the natural resources of the occupied Syrian Golan and allowed settlers exclusive use of those resources, while depriving the Syrian population of their benefits. The Syrian Arab Republic reiterated its concerns regarding the extraction of water by Israel from Lake Masada to divert it to settler farms, considering that such action constituted a violation of the Fourth Geneva Convention of 1949 and had led to an economic and environmental disaster for the occupied Syrian Golan.

9. Furthermore, as in previous notes verbales, the Syrian Arab Republic condemned the funding by the European Union in 2014 of a survey aimed at promoting alternative tourism in the Israeli settlements in the occupied Syrian Golan.

10. The Syrian Arab Republic called upon Member States to refuse, in accordance with their obligations under international law, the importation of natural or manufactured products from the occupied territories and to remind Israel of its obligations under international law. In that context, the Syrian Arab Republic referred to reports on settlers exporting wine produced in the occupied territory to the European Union and illegally labelling it as an Israeli product.

11. The Syrian Arab Republic condemned arbitrary arrests and the lack of due process and called upon the international community to pressure Israel to immediately and unconditionally release all Syrian prisoners held in Israeli detention facilities. The Syrian Arab Republic denounced the arrest of Syrian activists in February and April 2015.

12. The Syrian Arab Republic reiterated its request to the Secretary-General, the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the International Committee of the Red Cross to pressure Israel to secure a healthy environment and condemn Israel for burying nuclear waste with radioactive content in areas populated by Syrian citizens of the Golan.

13. As in previous notes verbales, the Syrian Arab Republic called for international pressure on Israel to allow the Syrian population of the occupied Syrian Golan to visit their families in the Syrian Arab Republic through the Qunaytirah crossing. The Syrian Arab Republic noted that preventing such visits was in violation of the Geneva Conventions and customary international humanitarian law and led to the suffering of Syrians in the occupied Syrian Golan. In addition, the Syrian Arab Republic noted that the Qunaytirah crossing had come under the control of the Nusrah Front, which had benefited from Israeli support in establishing that control.

14. The Syrian Arab Republic repeated its rejection of the decision by the Knesset on 22 November 2010 to organize a general referendum on the withdrawal of Israel from the occupied Syrian Golan and East Jerusalem. According to the Syrian Arab Republic, the decision was a violation of international law, which stipulates that a territory should not be acquired by force, and was not in compliance with Security Council resolutions.

15. The Syrian Arab Republic concluded by stating that reaching sustainable peace and stability in the Middle East would require measures to ensure the enforcement of all relevant international resolutions, including the Geneva Conventions, without discrimination or selectivity.

16. On 14 June 2016, the Permanent Mission of Qatar sent a note verbale denouncing the illegality of Israeli settlements and activities in the Golan and condemning Israel for attempting to change the physical character, demographic composition, institutional structure and legal status of the Golan. According to Qatar, those measures contradict the Charter of the United Nations and Security Council resolutions, in particular resolution 497 (1981), as well as General Assembly resolutions, including resolution 70/91.

17. Qatar reiterated its support for the full return of the occupied Syrian Golan to the line of 4 June 1967, in accordance with the bases of the Arab Peace Initiative and the Madrid peace process, underlining that the occupation of Arab territories since 1967 constitutes a threat to regional stability, peace and security.

18. Qatar condemned Israeli practices aimed at controlling and looting resources in the occupied Golan. Qatar reiterated its concerns regarding the extraction of water by Israel from Lake Masada to divert it to settler farms, thereby depriving the Syrian population of its benefit.

19. In the view of Qatar, the Israeli occupation and its policies of settlement expansion through the development of Israeli cooperative villages and real estate projects aimed at attracting new settler populations constitute practices that violate international instruments and norms.

20. Qatar noted its solidarity with the Syrian Arab Republic and Lebanon in the face of repeated Israeli aggression and threats, considering them attacks and threats against Arab security.

21. Qatar noted its support for Arab citizens of the occupied Syrian Golan subjected to Israeli occupation and oppressive practices, in particular their determination to hold on to their land and identity. Qatar denounced the negative impact of the Israeli occupation on the migration of thousands of residents, forced evictions and family separations, which have severe consequences for the lives and education of children and breach international law on the rights of the child.

22. Qatar condemned the repressive Israeli practices and gross violations of the human rights of the Syrian population in the occupied territory. According to Qatar, in resolutions of the Security Council, the Human Rights Council and the General Assembly, the most recent of which is resolution 70/91, Israel, as the occupying Power, has been urged to respect its obligations under international human rights law, the Hague Convention of 1907, the Geneva Conventions and the International Covenant on Civil and Political Rights to protect the rights of the Syrian population in the occupied Syrian Golan and to facilitate family visits to the Syrian Arab Republic.

23. Qatar also rejected Israeli attempts to build a security wall separating the occupied Syrian Golan from the Syrian Arab Republic and called upon Israel to withdraw from all of the occupied Arab territories to the line of 4 June 1967.

24. On 6 June 2016, the Permanent Delegation of OIC sent a note verbale reporting that the final communiqué of the thirteenth OIC Islamic Summit, held in Istanbul, Turkey, on 14 and 15 April, contained strong condemnation of Israeli policies in the occupied Syrian Golan, including annexation and settlement construction, confiscation of territories, diversion of water resources and imposition of Israeli citizenship on Syrian citizens. OIC called upon Israel to withdraw from the occupied Syrian Golan to the line of 4 June 1967, in accordance with Security Council resolutions, the principle of land for peace, the Madrid peace process and the Arab Peace Initiative.

25. OIC noted that, at its Executive Committee meeting, held on 26 April 2016, the permanent representatives of its member States had reiterated their unconditional support for the legitimate rights of Syrians to regain full sovereignty over the occupied Syrian Golan as well as their call upon the international community and the Security Council to pressure Israel to fully withdraw from all occupied Arab territories to the line of 4 June 1967, including the Syrian Golan, the Palestinian territory and the Lebanese Shab'a Farms and Kfar Shuba Hills, in accordance with Security Council resolutions 242 (1967), 338 (1973) and 497 (1981). According to OIC, the occupation of those territories presents a threat to regional stability and international peace and security.